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10/676,850	09/30/2003	Nicholas M. Ryan	2222.5440000	3054

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EXAMINER	
KLIMACH, PAULA W	

ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/676,850	RYAN, NICHOLAS M.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6-15 and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Batten-Carew et al (6,603,857 B1).

In reference to claims 6 and 26 Batten-Carew discloses a method and apparatus for controlling release of time-sensitive information is accomplished by a server that establishes access information for a specific future time as passed (abstract). The method includes identifying an electronic document to be secured, the electronic document having at least a data portion that contains data (column 2 lines 59-67); obtaining a time-based access key (column 3 lines 24-50); securing the electronic document through use of the time-based access key to produce a secured electronic document (column 3 lines 49-52); and storing the secured electronic document (column 50-52).

In reference to claims 7 and 27, Batten-Carew discloses a method wherein the time-based access key has an access time associated therewith (column 3 lines 4-23).

In reference to claims 8 and 28 Batten-Carew discloses a method wherein said method further comprises: storing the time-based access key at a remote key store, and wherein the time-based access key is subsequently retrievable from the remote key store only if the current time equals or exceeds the access time associated with the time-based access key (Fig. 1 and Fig. 3).

In reference to claims 9 and 15 Batten-Carew discloses a method wherein said method is performed on a client machine that operatively receives the time-based access key from the remote key store over a network (Fig. 1 and column 3 lines 32-35).

In reference to claim 10 Batten-Carew discloses a method and apparatus for controlling release of time-sensitive information is accomplished by a server that establishes access information for a specific future time as passed (abstract). The method comprising: identifying an electronic document to be secured, the electronic document having at least a data portion that contains data (column 2 lines 59-67); obtaining a document key (column 3 lines 30-35); encrypting the data portion of the electronic document using the document key to produce an encrypted data portion (column 3 lines 30-35); obtaining a time-based access key (column 3 lines 34-39); encrypting the document key using the time-based access key to produce an encrypted document key (column 4 lines 57-65); forming a secured electronic document from at least the encrypted data portion and the encrypted document key (column 3 lines 49-52); and storing the secured electronic document (column 3 lines 50-52).

In reference to claim 11 Batten-Carew discloses a method wherein the time-based access key is a public time-based access key (column 4 lines 56-65).

In reference to claim 12 Batten-Carew discloses a method wherein the time-based access key has an access time associated therewith (Fig. 2).

In reference to claim 13 Batten-Carew discloses a method wherein the time-based access key is available from a remote key store only if the current time equals or exceeds the access time associated with the time-based access key (Fig. 3).

In reference to claim 14 Batten-Carew discloses a method wherein the access time is a day of a year, and the time-based access keys are unique for each day of the year (Fig. 2).

In reference to claim 23 Batten-Carew discloses a method and apparatus for controlling release of time-sensitive information is accomplished by a server that establishes access information for a specific future time as passed (abstract). The method includes the receiving a request for a time-based key (time t1 Fig. 1); identifying an access time associated with the time-based key (part 50 Fig. 3); comparing the current time with the access time (part 52 Fig. 3); and refusing to distribute the time-based key in response to the request when said comparing indicates that the current time is prior to the access time (the no section of part 52 Fig. 3).

In reference to claim 24 Batten-Carew discloses a method wherein the time-based key is a private time-based key (column 3 lines 57-64).

In reference to claim 25 Batten-Carew discloses a method wherein said method is performed at a server, and wherein the request for the time-based key is from a client module that is connectable to the server via a network (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vainstein (2004/0064710 A1) in view of Batten-Carew.

In reference to claim 16 Vainstein discloses a file security system of the organization that operates to protect the files of the organization and this prevents or limits external users from accessing internal documents (abstract). The system performs a method that includes obtaining an encrypted document key from the header portion of the secured electronic document (Fig. 9); decrypting an encrypted data portion of the secured electronic document using the document key to produce a data portion (page 6 paragraph 0068); and supplying the data portion to the requester (page 6 paragraph 0068).

Vainstein does not disclose obtaining a time-based access key and decrypting the encrypted document key using the time-based access key to produce a document key. Batten-Carew discloses a method and apparatus for controlling release of time-sensitive information is accomplished by a server that establishes access information for a specific future time as passed (abstract). The method of Batten-Carew includes obtaining a time-based access key (Fig. 3) and decrypting the encrypted document key using the time-based access key to produce a document key (column 4 lines 57-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 17 Vainstein discloses a method wherein the time-based access key is identified by an indicator within a header portion of the secured electronic document (page 6 paragraph 0068).

In reference to claim 18 Batten-Carew discloses a method wherein the time-based access key is a private time-based access key (column 3 lines 57-64).

In reference to claim 19 Vainstein does not disclose a method wherein the time-based access key being obtained is acquired from a server.

Batten-Carew does not disclose a method wherein the time-based access key being obtained is acquired from a server (Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 20 Vanstein does not disclose a system wherein said obtaining of the time-based access key is dependent on the current time..

Batten-Carew discloses a system wherein said obtaining of the time-based access key is dependent on the current time (Fig. 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-

Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 21 Vanstein does not disclose a system wherein the time-based access key is associated with an access time, and wherein said obtaining of the time-based access key is permitted only when the current time is greater than or equal to the access time.

Batten-Carew discloses the time-based access key is associated with an access time, and wherein said obtaining of the time-based access key is permitted only when the current time is greater than or equal to the access time (Fig. 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 22 Vanstein does not disclose a system wherein, if permitted, said obtaining obtains the time-based access key being obtained from a server.

Batten-Carew discloses a method wherein, if permitted, said obtaining obtains the time-based access key being obtained from a server (Fig. 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-

Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 1 Vainstein discloses a file security system of the organization that operates to protect the files of the organization and this prevents or limits external users from accessing internal documents (abstract). The system of Vainstein includes a key store that stores a plurality of cryptographic key pairs, each of the cryptographic key pairs includes a public key and a private key (page 3 paragraph 0038); and an access manager operatively connected to said key store (Fig. 1), said access

manager determines whether the private key of the at least one of the cryptographic key pairs pertaining to the predetermined time is permitted to be provided to a requester (page 3 paragraph 0039);

Vainstein does not disclose a cryptographic key that pertains to a predetermined time.

Batten-Carew discloses a method and apparatus for controlling release of time-sensitive information is accomplished by a server that establishes access information for a specific future time as passed (abstract). The method includes at least one of the cryptographic key pairs pertaining to a predetermined time (column 3 lines 40-47); key pairs pertaining to the predetermined time is permitted to be provided to a requester based on a current time (Fig. 3), wherein the requester requires the private key of the at least one of the cryptographic key pairs pertaining to the predetermined time to access a secured electronic file (column 3 lines 48-55), and wherein the secured electronic file was previously secured using the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time (Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 2 Vanstein does not teach an access manager only provides the private key of the at least one of the cryptographic key pairs pertaining to the predetermined time to the requester if the predetermined time is greater than
or equal to the current time.

Batten-Carew discloses a system, wherein said access manager only provides the private key of the at least one of the cryptographic key pairs pertaining to the predetermined time to the requester if the predetermined time is greater than
or equal to the current time (Fig. 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference to claim 3 Vanstein discloses a system wherein the requestor is a client module that operatively connects to said access manager over a network (Fig. 1).

In reference to claim 4 Vanstein does not discloses a system wherein said document security system further comprises: at least one client module, said client module assists a user in selecting the predetermined time, and said client module secures the electronic file using the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time so as to provide a time-based access restriction to the electronic file.

Batten-Carew discloses a system wherein said document security system further comprises: at least one client module, said client module assists a user in selecting the predetermined time, and said client module secures the electronic file using the public key of the at least one of the cryptographic key pairs pertaining to the predetermined time so as to provide a time-based access restriction to the electronic file (Fig. 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

In reference of claim 5 Vainstein does not disclose a cryptographic key that pertains to a predetermined time.

Batten-Carew discloses a system wherein said client module further assists in unsecuring the secured electronic file by acquiring the private key of the at least one of the cryptographic key pairs that pertaining to the predetermined time from said key store, and then unsecuring the

secured electronic file using the private key of the at least one of the cryptographic key pairs that pertaining to the predetermined time (Fig. 3 and Fig. 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the time-based key of Batten-Carew in the system of Vanstein. One of ordinary skill in the art would have been motivated to do this because the method of Batten-Carew would allow time-sensitive information to be released at any time and accessed only at a specific future time based on the release of access information relating to the specific future time (column 2 lines 29-33).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Time-lock Puzzle and Time-release Crypto Rivest, Shamir, Wagner 1996

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Monday, March 05, 2007

KIM VU
SUPERVISORY PATENT EXAMINER
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